

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

SUSAN SOTO PALMER, et. al.,

*Plaintiffs,*

v.

STEVEN HOBBS, et. al.,

*Defendants,*

and

JOSE TREVINO, ISMAEL CAMPOS,  
and ALEX YBARRA,

*Intervenor-Defendants.*

Case No.: 3:22-cv-05035-RSL

Judge: Robert S. Lasnik

**PLAINTIFFS' UNOPPOSED  
MOTION FOR EXTENSION OF  
TIME TO FILE MOTION FOR  
FEES AND BILL OF COSTS**

NOTE ON MOTION

CALENDAR: August 17, 2023

In accordance with Federal Rules of Civil Procedure 6 and 54(d), and Local Rule 54(d), Plaintiffs respectfully request that the Court extend the time to move for attorneys' fees and expenses and file a bill of costs. Specifically, Plaintiffs request that the deadline for both be reset to 30 days after the remedial process is complete, any appeal has been resolved, or the time to file a notice of appeal has elapsed, whichever of these three occurrences is latest. Counsel for Defendant State of Washington, Defendant Secretary Hobbs, and Intervenor Alex Ybarra, Jose Trevino, and Ismael Campos stated via email that they do not oppose Plaintiffs' motion.

A judgment in this case was entered in favor of Plaintiffs on August 11, 2023. Dkt. # 219. Under Rule 54(d)(2)(B), a motion for attorneys' fees must be filed no later than 14 days after the

1 entry of judgment, except a court may order otherwise under that Rule and under Rule 6. In  
2 addition to attorneys' fees and expenses, other costs are also allowed to the prevailing party. Fed.  
3 R. Civ. Pro. 54(d)(1). Under the local rules, these costs are to be submitted to the Clerk of the  
4 Court no later than 21 days after the entry of judgment using the Bill of Costs form. LCR 54(d). A  
5 Motion for Costs is considered in the first instance by the Clerk, with appeal made to this Court.  
6 LCR 54(d)(3), (4); *see also New Flyer Indus. Canada ULC v. Rugby Aviation, LLC*, No. C18-  
7 299RSL, 2020 WL 5203580, at \*2 n.1 (W.D. Wash. Sept. 1, 2020) (Lasnik, J.). Under Rule 6(b),  
8 the Court may, for good cause, extend the time to file a motion for attorneys' fees and a bill of  
9 costs. *See Fed. R. Civ. P. 6(b)*.

11 Good cause exists to extend the deadlines for fees and costs because Plaintiffs' involvement  
12 in this case is not yet concluded. According to the Court's Memorandum of Decision, the remedial  
13 process in this matter will now begin, and the parties are ordered to file a joint status report on  
14 January 8, 2024, and Plaintiffs may be required to file additional briefing and map proposals by  
15 January 15, 2024. Dkt. # 218 at 32. Should any appeal occur in this case, Plaintiffs' involvement  
16 will continue further still, and additional fees and costs will be incurred. Therefore, in the interest  
17 of preserving judicial resources and presenting the Court with a comprehensive motion for fees  
18 and a bill of costs only once, Plaintiffs respectfully file this unopposed Motion.

20 This Motion is timely filed well before the deadline under the Rules. "A motion for  
21 extension of time filed *before* a deadline has passed should 'normally . . . be granted in the absence  
22 of bad faith on the part of the party seeking relief or prejudice to the adverse party.'" *PLU Invs.,*  
23 *LLC v. Intraspect Grp., Inc.*, No. C10-626RSL, 2011 WL 1376192, at \*1 (W.D. Wash. Apr. 12,  
24 2011) (quoting *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir.2010)) (Lasnik,  
25 J.). This Motion is filed 8 days before the deadline for a motion for fees and 15 days before the  
26

1 deadline for Plaintiffs to submit a bill of costs. The request for an extension is filed in good faith  
2 and with good cause to preserve the time and resources of the Court and the parties. Moreover,  
3 granting this Motion will benefit, not prejudice the adverse party, ensuring that briefing and  
4 calculation regarding fees and costs will be completed only once in this matter.

5 Pursuant to this Court's discretion under Rule 6 and Local Rule 54(d), Plaintiffs  
6 respectfully request that the Court grant their Motion to extend the deadline for submission of their  
7 motion for fees and bill of costs for good cause, with the deadline to be reset to 30 days after the  
8 remedial process is complete, any appeal has been resolved, or the time to file a notice of appeal  
9 has elapsed, whichever of these three occurrences is latest.  
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11  
12 Dated: August 17, 2023

13 Respectfully submitted,

14  
15 By: /s/ Edwardo Morfin

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**CERTIFICATE OF SERVICE**

I certify that all counsel of record were served a copy of the foregoing this 17th day of August, 2023 via the Court’s CM/ECF system.

*/s/ Edwardo Morfin*

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SUSAN SOTO PALMER, et. al.,

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Case No.: 3:22-cv-05035-RSL

Judge: Robert S. Lasnik

**[PROPOSED] ORDER  
GRANTING UNOPPOSED  
MOTION FOR EXTENSION OF  
TIME TO FILE MOTION FOR  
FEES AND BILL OF COSTS**

Plaintiffs request, and Defendants and Intervenor-Defendants do not oppose, that the Court grant Plaintiffs’ Motion extending the deadlines to move for attorneys’ fees and expenses and file a bill of costs. Given the ongoing nature of the case, including but not limited to the remedial phase and any appeal, good cause exists for this request to preserve the time and resources of the Court and parties so that briefing and calculation regarding fees and costs will be completed only once.

As such, for good cause shown, it is hereby ORDERED that Plaintiffs’ Motion is GRANTED and the deadlines for Plaintiffs to submit their motion for fees and bill of costs is extended to 30 days after the remedial process is complete, any appeal has been resolved, or the time to file a notice of appeal has elapsed, whichever of these three occurrences is latest.

1 IT IS SO ORDERED.

2 DATED this \_\_\_\_ day of \_\_\_\_\_, 2023.

4 /s/ \_\_\_\_\_  
5 The Honorable Robert S. Lasnik  
6 U.S. District Judge

7 By: /s/ Edwardo Morfin

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23 \*Admitted pro hac vice  
24 \*\* Pro hac vice application forthcoming  
25 *Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I certify that all counsel of record were served a copy of the foregoing this 17<sup>th</sup> day of August, 2023 via the Court's CM/ECF system.

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